

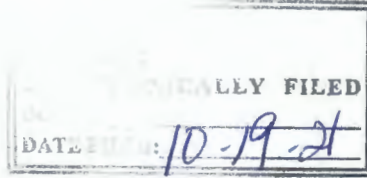
## COVINGTON

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## MEMO ENDORSED

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Via Electronic Mail



October 18, 2021

Hon. Lewis A. Kaplan  
United States District Judge  
United States Courthouse  
200 Worth Street  
New York, New York 10007  
KaplanNYSDChambers@nysd.uscourts.gov

**Re: *The Trustees of the New York State Nurses Association  
Pension Plan v. White Oak Global Advisors, LLC*, 21-cv-  
8330 (LAK)**

Dear Judge Kaplan:

I am counsel to the Trustees of the New York State Nurses Association Pension Plan (the "Plan"). I write on behalf of the parties to this action in response to Your Honor's Order of October 12, 2021, which requested that the parties advise the Court whether any further briefing on the subject of sealing is desired.

Petitioners, the Trustees of the New York State Nurses Association Pension Plan, moved to file temporarily under seal an action to Confirm an Arbitration Award. As stated in the Trustees' motion to seal, a temporary seal was requested in order to provide Respondent White Oak Global Advisors, LLC ("White Oak") an opportunity to support sealing if it chooses.

By email of October 15, 2021, counsel for White Oak indicated that White Oak seeks to have Exhibits C and M to the Declaration of C. William Phillips, Esq. In Support of Petition To Confirm Arbitration Award And For Entry of Judgment remain under seal. Those exhibits are the parties' Investment Management Agreement (Ex. C) and exhibits prepared by the Trustees' expert summarizing the amounts the Trustees contend White Oak owes (Ex. M). White Oak maintains that these documents contain confidential White Oak information concerning its business relationship with the Plan.

By email of October 18, 2021, the Trustees informed White Oak that they disagree with White Oak's position, including because the information White Oak seeks to seal is available in other sources in the record that White Oak has not identified for sealing.

Because the parties have been unable to reach consensus on sealing, the parties propose the following briefing schedule:

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- Thursday, October 21, 2021: White Oak to file a brief in support of sealing Exhibits C and M to the Declaration of C. William Phillips, Esq.;
- Friday, October 29, 2021: The Trustees' to file a response to White Oak;
- Wednesday, November 3, 2021: White Oak to file a reply.

We thank the Court for its consideration of these matters.

Respectfully,

A handwritten signature in black ink, appearing to read 'C. Phillips', written over the printed name.

C. William Phillips

Memorandum Endorsement     Trustees, etc. v. White Oak Global Adv., LLC, 21-cv-8330 (LAK)

In light of the attached letter:

1. All of the papers heretofore filed under seal in this case – except the Declaration of C. William Phillips, Esq.(the “Phillips Declaration”) – hereby are unsealed. The parties shall consult promptly with the Clerk of Court as to the means of filing publicly the unsealed papers in electronic form on the CM-ECF system and ensure their prompt public filing.


2. An electronic copy of the Phillips Declaration, with Exhibits C and M redacted, shall be filed publicly promptly.

3. The Court adopts to proposed briefing schedule with respect to whether Exhibits C and M to the Phillips Declaration shall remain sealed.

4. The order entered yesterday (Dkt. 5) is vacated.

SO ORDERED.

Dated:            October 19, 2021

  
\_\_\_\_\_  
Lewis A. Kaplan  
United States District Judge